

UNITED STATES BANKRUPTCY COURT  
EASTERN DISTRICT OF NEW YORK  
BROOKLYN DIVISION

IN RE

CHAPTER 13

JOY TAYLOR-SIMMONS,

CASE NO. 1:19-43658-cec

DEBTOR.

**OBJECTION TO CONFIRMATION**

Barbara Dunleavy, Esq., an attorney admitted to practice in this Court, affirms the following under penalty of perjury:

1. I am an associate with Shapiro, DiCaro & Barak, LLC, attorney for Nationstar Mortgage LLC d/b/a Mr. Cooper as Servicer for The Bank of New York Mellon F/K/A The Bank of New York as successor in interest to JP Morgan Chase Bank, N.A. as Trustee for Structured Asset Mortgage Investments II Inc. Mortgage Pass-Through Certificates Series 2006-AR1 ("Secured Creditor"), and am familiar with the facts and circumstances surrounding this matter.

2. Secured Creditor holds a mortgage on the Debtor's real property known as 30 Harman Street, Brooklyn, NY 11221 ("Property").

3. Secured Creditor will be filing a Proof of Claim for pre-petition mortgage arrears in the approximate amount of \$595,667.56. Debtor's proposed Chapter 13 Plan ("Plan") makes no provision for the mortgage arrears in violation of Bankruptcy Code Section 1325(a)(5)(B)(ii).

4. The Plan requests participation in the Loss Mitigation Program in order to resolve the outstanding pre-petition mortgage arrears. However, the outcome of loss mitigation is inherently uncertain. As such, the Plan fails to address the possibility that Debtor will not obtain a fully executed final mortgage modification that recapitalizes the outstanding arrears or that such a modification may have different terms than those provided for in the Plan.

5. The Plan does not provide for the making of the regular monthly note and mortgage payments by Debtor as required by 11 U.S.C. § 1322(b)(5).

6. The Plan is not adequately funded. The plan does not contain funds sufficient to pay Secured Creditor's pre-petition mortgage arrearages in full as required by 11 U.S.C. § 1325 (a)(5)(B)(ii).

**WHEREFORE**, the undersigned respectfully requests the Debtor to amend their Chapter 13 Plan to reflect the proper mortgage arrears, provide for the making of the regular monthly note and mortgage payments, and address the feasibility of the concerned Plan as specified earlier or, in the absence of an amendment to the Plan, the undersigned respectfully requests an Order of this Court denying confirmation of Debtor's Chapter 13 Plan pursuant to Bankruptcy Code Section 1325 and such other and further relief as may be just and proper.

Dated: July 2, 2019

/s/Barbara Dunleavy  
Barbara Dunleavy  
Bankruptcy Attorney  
Shapiro, DiCaro & Barak, LLC  
Attorneys for Nationstar Mortgage LLC d/b/a Mr.  
Cooper as Servicer for The Bank of New York  
Mellon F/K/A The Bank of New York as successor in  
interest to JP Morgan Chase Bank, N.A. as Trustee  
for Structured Asset Mortgage Investments II Inc.  
Mortgage Pass-Through Certificates Series 2006-  
AR1  
One Huntington Quadrangle, Suite 3N05  
Melville, NY 11747  
Telephone: (631) 844-9611  
Fax: (631) 844-9525

**SHAPIRO, DICARO & BARAK, LLC**

Attorneys for Nationstar Mortgage LLC d/b/a Mr. Cooper  
as Servicer for The Bank of New York Mellon F/K/A The  
Bank of New York as successor in interest to JP Morgan  
Chase Bank, N.A. as Trustee for Structured Asset  
Mortgage Investments II Inc. Mortgage Pass-Through  
Certificates Series 2006-AR1  
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Melville, NY 11747  
Telephone: (631) 844-9611, Fax: (631) 844-9525  
**Barbara Dunleavy**

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**AFFIDAVIT OF SERVICE BY MAIL**

STATE OF NEW YORK     )  
                                      )ss:  
COUNTY OF MONROE    )

I, Lora Mosher, being sworn, say, I am not a party to this action; I am over 18 years of  
age, I reside in Rochester, New York.

On July 2, 2019 I served the within Objection to Confirmation upon:

TO: Debtor Appearing Pro Se  
Joy Taylor-Simmons  
447 Saratoga Avenue  
Brooklyn, NY 11233

Trustee  
Michael J. Macco  
2950 Express Drive South  
Suite 109  
Islandia, NY 11749

U.S. Trustee  
U.S. Federal Office Building  
201 Varick Street, Suite 1006  
New York, NY 10014

at the addresses designated by the foregoing individuals for that purpose by depositing a true copy of same enclosed in a postpaid, properly addressed wrapper, in an official depository under the exclusive care and custody of the United States Postal Service within the State of New York.

Date: July 2, 2019

Lora Mosher

Lora Mosher  
Bankruptcy Assistant  
Shapiro, DiCaro & Barak, LLC  
Attorneys for Nationstar Mortgage LLC  
d/b/a Mr. Cooper as Servicer for The Bank  
of New York Mellon F/K/A The Bank of  
New York as successor in interest to JP  
Morgan Chase Bank, N.A. as Trustee for  
Structured Asset Mortgage Investments II  
Inc. Mortgage Pass-Through Certificates  
Series 2006-AR1  
175 Mile Crossing Boulevard  
Rochester, New York 14624  
Telephone: (585) 247-9000  
Fax: (585) 247-7380

Sworn to before me this  
2 day of July, 2019

Katrina Bellis  
Notary Public

KATRINA BELLIS  
Notary Public, State of New York  
No. 01BE6128872  
Qualified in Monroe County  
Commission Expires June 20, 2021